

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

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|-----------------------------------|--------------------|
| 1 UNITED STATES OF AMERICA, |) AU:17-M-00073(1) |
| |) 1:17-CR-132-LY |
| 2 Plaintiff, |) |
| |) |
| 3 v. |) AUSTIN, TEXAS |
| |) |
| 4 JUAN CARLOS CORONILLA-GUERRERO, |) |
| |) |
| 5 Defendant. |) MARCH 20, 2017 |

TRANSCRIPT OF PROBABLE CAUSE HEARING
BEFORE THE HONORABLE ANDREW W. AUSTIN

| | |
|-----------------------|----------------------------------|
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24 Proceedings recorded by electronic sound recording, transcript
25 produced by computer.

13:57:37 1 (Proceedings began at 10:02 a.m.)

13:57:37 2 THE CLERK: The Court calls 17-M-73, *United States v.*

13:58:04 3 *Juan Carlos Coronilla-Guerrero*, for a preliminary hearing.

13:58:05 4 MR. MARSHALL: Mark Marshal for the United States.

13:58:07 5 THE COURT: Mark.

13:58:08 6 MR. MARSHALL: Good morning.

13:58:10 7 MR. PETERSON: Good morning, Your Honor.

13:58:17 8 David Peterson for Mr. Coronilla-Guerrero.

13:58:33 9 THE COURT: Good morning. We've got the

13:58:37 10 government -- or the defendant's response to the detention

13:58:40 11 hearing, so I guess we're here on the preliminary?

13:58:43 12 MR. PETERSON: That's correct, Your Honor.

13:58:44 13 THE COURT: All right. Mr. Marshall?

13:58:47 14 MR. MARSHALL: My understanding is detention is

13:58:56 15 waived.

13:59:00 16 THE COURT: Correct. So I'll recognize the

13:59:04 17 government for the preliminary.

13:59:05 18 MR. MARSHALL: Call the Agent La Ron.

13:59:14 19 THE COURT: Agent.

13:59:23 20 (Witness sworn)

13:59:37 21 **LA RON BRYANT,**

13:59:37 22 having been first duly sworn, testified as follows:

13:59:37 23 **DIRECT EXAMINATION**

13:59:37 24 **BY MR. MARSHALL:**

13:59:37 25 Q. Once you get settled, go ahead and tell us your name and

13:59:44 1 spell your name for the record, please.

13:59:47 2 A. My name is La Ron Bryant, L-a R-o-n, last name, Bryant,
13:59:53 3 B-r-y-a-n-t.

13:59:55 4 Q. How are you employed, sir?

13:59:57 5 A. I'm a deportation officer with Immigration and Customs
14:00:09 6 Enforcement.

14:00:11 7 Q. What are your duties and responsibilities as a deportation
14:00:18 8 officer?

14:00:18 9 A. Some of my duties and responsibilities are to apprehend
14:00:22 10 and locate people who are illegally in the country and deport
14:00:34 11 them back to their native country.

14:00:36 12 Q. How long have you been engaged in that activity?

14:00:39 13 A. I've been with the Department of Homeland Security for
14:01:40 14 14 years.

14:01:41 15 Q. All right. Prior to that, what experience did you have?

14:01:44 16 A. Prior to that I was a U.S. Border Patrol agent. I was
14:01:48 17 also a U.S. Federal Probation officer and as well as I worked
14:01:57 18 for U.S. Immigration and -- Citizenship -- excuse me --
14:02:02 19 Immigration Service.

14:02:03 20 Q. The customs enforcement side -- the customs side of it?

14:02:17 21 A. No. No. Citizenship and Immigration Service, the benefit
14:02:25 22 side. I was an asylum officer for two years in Houston, Texas.

14:02:34 23 Q. So you're familiar with pretty much most of the aspects of
14:02:39 24 immigration and customs enforcement?

14:02:45 25 A. Yes, sir.

14:02:45 1 Q. All right. In that regard, did you and other officers
14:02:55 2 have occasion to encounter Juan Carlos Coronilla-Guerrero?
14:02:59 3 A. Yes, we did.
14:03:07 4 Q. About when was that?
14:03:15 5 A. That was March 3rd at the county courthouse here in
14:03:19 6 Travis County.
14:03:19 7 Q. Let's back up a little bit.
14:03:26 8 Prior to that had a warrant been issued for the
14:03:28 9 defendant?
14:03:28 10 A. Yes.
14:03:29 11 Q. When was that?
14:03:30 12 A. I believe that was -- the warrant was issued February 1st.
14:03:39 13 Let me check.
14:04:22 14 MR. MARSHALL: May I approach?
14:04:28 15 THE COURT: You may.
14:04:32 16 Q. (BY MR. MARSHALL) I know you've got a bunch of papers in
14:04:37 17 front of you.
14:04:37 18 A. Yes.
14:04:40 19 Q. I'll show you a copy of the complaint. Is there a file
14:04:51 20 date on there?
14:04:52 21 A. Yes. February 3rd.
14:04:55 22 Q. And would that be the date the warrant was issued as well?
14:05:00 23 A. Yes, sir.
14:05:05 24 Q. All right. In that particular complaint, the defendant's
14:05:10 25 charged with illegal reentry, is he not?

14:05:12 1 A. Correct.

14:05:13 2 Q. So somebody who has previously been deported, has come
14:05:17 3 back illegally, and then --

14:05:19 4 A. Yes.

14:05:19 5 Q. -- found in the United States?

14:05:21 6 A. Correct.

14:05:21 7 Q. On or about when was the defendant encountered for
14:05:31 8 purposes of the complaint in this case?

14:05:33 9 A. He was encountered on July -- he was encountered in
14:05:42 10 January after his subsequent arrest by Austin Police
14:05:46 11 Department.

14:05:47 12 Q. That would be on or about January 10th of 2017?

14:05:56 13 A. Correct.

14:05:56 14 Q. All right. How did Immigration and Customs Enforcement
14:06:00 15 find out about that?

14:06:01 16 A. Our command center in San Antonio field office placed a
14:06:15 17 detainer based off of biometric confirmation. His
14:06:25 18 fingerprints, once he was arrested, were enrolled into the IFS
14:06:41 19 system and NCIC and they got a notification.

14:06:44 20 Q. All right. Based on that somebody went ahead and compared
14:06:52 21 it to his A-file and found out that he was illegally here?

14:07:02 22 A. Correct. And placed a detainer.

14:07:08 23 Q. Then the complaint was subsequently filed on February 3rd?

14:07:11 24 A. Correct.

14:07:12 25 Q. All right. You indicated that on or about what date did

14:07:18 1 you encounter the defendant?

14:07:25 2 A. March 3rd, 2017.

14:07:33 3 Q. How did that come about?

14:07:49 4 A. We were told by our management that the defendant would be
14:07:57 5 at the county courthouse and to go ahead and go to the county
14:08:02 6 courthouse and arrest the individual based off of the arrest
14:08:11 7 warrant we had.

14:08:12 8 Q. All right. So you -- what did you take with you to the
14:08:15 9 courthouse?

14:08:16 10 A. We -- we took -- we call it a temporary file jacket, which
14:08:19 11 has the defendant's photo, biographical information, the arrest
14:08:24 12 warrant.

14:08:24 13 Q. Why do you take that stuff with you?

14:08:27 14 A. Just so we can confirm that we are arresting the correct
14:08:30 15 individual.

14:08:35 16 Q. All right. Did you get to the courthouse?

14:08:38 17 A. Yes, we did.

14:08:39 18 Q. All right. Once you got to the courthouse, what did you
14:08:42 19 do?

14:08:42 20 A. We went upstairs to the court area that we knew the
14:08:52 21 defendant was going to be attending court at, and we -- we
14:08:56 22 waited. The -- we waited outside to see if -- if the
14:09:01 23 individual was going to actually show. I myself went inside,
14:09:06 24 talked to the courtroom deputy, told him who I was, why I was
14:09:15 25 here. He confirmed that the defendant was here in the

14:09:21 1 courtroom, and then I went back outside and waited.

14:09:25 2 Q. All right. What did you observe after you were waiting?

14:09:28 3 A. While we were waiting, we saw the defendant come out of
14:09:31 4 the courtroom on a cell phone and walk towards the elevators,
14:09:39 5 we assumed heading -- trying to leave the court -- the court
14:09:48 6 area.

14:09:48 7 Q. All right. Was he with anybody?

14:09:50 8 A. At the time, no. He was by himself.

14:09:56 9 Q. Okay. What happened?

14:09:59 10 A. Then the defendant got in the elevator, and myself and
14:10:05 11 Officer Warren also got in the elevator. As we rode the
14:10:15 12 elevator, it was later found out that the defendant's attorney,
14:10:18 13 Mr. Betts, was inside the elevator as well.

14:10:22 14 Q. All right.

14:10:22 15 A. And then we rode the elevator down to the first floor.
14:10:27 16 Everybody exited except for the defendant and the attorney.
14:10:37 17 They stayed on. So I stayed on the elevator as well. We went
14:10:41 18 down to the ground floor, and the defendant's attorney,
14:10:44 19 Mr. Betts, asked me if I was going to get off on the ground
14:10:47 20 floor. I told him no. We -- he asked me what floor. I told
14:10:59 21 him the first floor. When we got to the first floor, I
14:11:03 22 identified myself who I was and -- and what my purpose of being
14:11:13 23 there at the court.

14:11:15 24 Q. Did you have any other interaction with Mr. Betts?

14:11:24 25 A. Only when we advised the defendant of his rights, asked --

14:11:37 1 identified who he was, and confirmed it was him and showed
14:11:49 2 Mr. Betts the arrest warrant that we had for him.
14:11:52 3 Q. So his attorney was there all this time?
14:11:54 4 A. Correct.
14:12:06 5 Q. Including when you advised his client of his rights?
14:12:22 6 A. Correct.
14:12:22 7 Q. All right. What happened after that?
14:12:28 8 A. After that we exited the courtroom lobby and we walked
14:13:34 9 with the defendant to our vehicle. We searched him and placed
14:13:46 10 handcuffs on him.
14:13:47 11 Q. You didn't cuff him inside the courthouse?
14:13:49 12 A. No, we did not.
14:13:50 13 Q. You didn't cuff him immediately outside the courthouse?
14:13:54 14 A. No, we did not.
14:13:55 15 Q. You didn't enter the courtroom to arrest him?
14:14:02 16 A. No, we did not.
14:14:03 17 Q. All right. What happened?
14:14:06 18 A. We placed the handcuffs on the defendant, searched him --
14:14:10 19 searched his area to make sure he didn't have any other weapons
14:14:14 20 or anything on him. Placed him in our vehicle and took him
14:14:32 21 back to the Austin resident office.
14:14:34 22 Q. All right. Did the defendant make any statements after he
14:14:38 23 had been advised of his constitutional rights?
14:14:41 24 A. No. Other ...
14:14:50 25 Q. Did you talk about his immigration status?

14:14:57 1 A. When we -- when we got to -- to the office, we --

14:15:04 2 Q. Okay. What did he tell you?

14:15:05 3 A. He told us that he was here illegally, and that's pretty
14:15:10 4 much it. Then he advised us that he wanted his attorney
14:15:28 5 present for anything -- any further questioning.

14:15:30 6 Q. Did you stop questioning him?

14:15:35 7 A. Yes, we did.

14:15:36 8 Q. Okay. Did you pull his A-file and -- you and other agents
14:15:43 9 pull his A-file, or his immigration file, to determine whether
14:15:46 10 or not he was in the country legally or illegally?

14:15:49 11 A. Yes. We did pull it.

14:15:50 12 Q. What did you find?

14:15:52 13 A. We found the defendant had been deported before and that
14:16:01 14 there was no other evidence or proof in the A-file or in our
14:16:05 15 systems to show that he's applied for admission or had any
14:16:22 16 petitions pending.

14:16:23 17 Q. All right. Specifically in your A-file did you find an
14:16:28 18 order for removal from an immigration judge dated on or about
14:16:38 19 July 30, 2008?

14:16:40 20 A. Yes, we did.

14:16:41 21 Q. Subsequent to that did you also find a declaration from an
14:16:45 22 immigration officer, that they had actually witnessed his
14:16:48 23 deportation on or about July 31st, 2008?

14:16:51 24 A. Yes, we did.

14:16:52 25 Q. Is there any indication the defendant applied for

14:16:55 1 readmission into the United States?

14:16:57 2 A. None that we found.

14:16:58 3 Q. Was there any indication he applied for asylum or he
14:17:02 4 applied for any benefits under the Immigration and Customs
14:17:06 5 Enforcement purview?

14:17:07 6 A. No.

14:17:08 7 Q. No appeals? Nothing?

14:17:11 8 A. No, sir.

14:17:11 9 Q. All right. In that regard, is it your belief that he was
14:17:17 10 illegally in the country after you placed him under arrest?

14:17:20 11 A. Yes, I do.

14:17:36 12 MR. MARSHALL: Pass the witness.

14:17:37 13 THE COURT: Mr. Peterson?

14:17:39 14 **CROSS-EXAMINATION**

14:17:39 15 **BY MR. PETERSON:**

14:17:40 16 Q. Agent Bryant, I have a few questions about the
14:17:48 17 circumstances of Mr. Coronilla-Guerrero's apprehension and how
14:17:51 18 you or your office developed probable cause that it was him
14:17:55 19 there at the courthouse.

14:17:58 20 The -- you stated the complaint in this case was
14:18:01 21 sworn out on February 3rd?

14:18:02 22 A. Correct.

14:18:03 23 Q. You didn't swear out that complaint, correct?

14:18:11 24 A. I'm not sure.

14:18:12 25 Q. If I show you the complaint, you'll be able to

14:18:15 1 double-check that, right?

14:18:16 2 A. Yes. No. It was not me.

14:18:25 3 Q. So you've had a chance to review the complaint?

14:18:31 4 A. Yes.

14:18:33 5 Q. And it was Agent Mathis that swore out that complaint,

14:18:38 6 right?

14:18:38 7 A. Correct.

14:18:38 8 Q. On February 3rd did you know anything about this case?

14:18:44 9 A. Other than the -- the complaint and the arrest warrant

14:18:48 10 being issued, yes.

14:18:49 11 Q. Okay. So you were aware on February 3rd that the

14:18:52 12 complaint and arrest warrant had been issued?

14:18:54 13 A. Correct.

14:18:55 14 Q. Okay. At that time, on February 3rd, did you know where

14:18:59 15 Mr. Coronilla-Guerrero was?

14:19:00 16 A. No, I did not.

14:19:02 17 Q. And how did you determine where he was? What efforts were

14:19:08 18 made by ICE to determine his location so that you could effect

14:19:13 19 the arrest warrant?

14:19:15 20 A. The only thing I know is that on March 3rd I was asked by

14:19:19 21 our management to accompany Officer Warren to effect the arrest

14:19:23 22 warrant. Other than that I had nothing else to do with the

14:19:26 23 case.

14:19:26 24 Q. Okay. Do you know what the hearing was relating to his

14:19:34 25 state court case on March 3rd that you went to?

14:19:37 1 A. No.

14:19:37 2 Q. Okay. And as far as you know, when the magistrate judge

14:19:43 3 signed the criminal complaint and federal arrest warrant on

14:19:46 4 February 3rd, did anyone advise or notify

14:19:49 5 Mr. Coronilla-Guerrero that this was a federal arrest warrant

14:19:57 6 for him?

14:20:02 7 A. Not that I know of.

14:20:03 8 Q. No one advised his attorney, Mr. Betts, either, right?

14:20:07 9 A. Not that I know of.

14:20:08 10 Q. No one attempted to serve the arrest warrant at his home,

14:20:12 11 correct?

14:20:12 12 A. Not that I know of.

14:20:13 13 Q. And nor at his attorney's office?

14:20:16 14 A. Not that I know of.

14:20:17 15 Q. Okay. So you said you personally made the arrest at the

14:20:21 16 county courthouse?

14:20:22 17 A. Correct.

14:20:22 18 Q. How many agents were there that day?

14:20:26 19 A. It was Officer Teddy Warren and myself.

14:20:29 20 Q. Okay. Two -- two agents from ICE that day?

14:20:32 21 A. Correct.

14:20:33 22 Q. Any agents from other agencies working with you-all that

14:20:36 23 day?

14:20:36 24 A. No, sir.

14:20:37 25 Q. Okay. I'm going to ask you to be a little more specific.

14:20:40 1 You've said twice now you were told by management to do this.

14:20:43 2 But you have a supervisor, correct?

14:20:45 3 A. Correct.

14:20:46 4 Q. Were you told by your supervisor to effect the arrest?

14:20:49 5 A. No. We're talking about -- we were told by our AFOD,

14:21:02 6 which is above our supervisor.

14:21:04 7 Q. Sorry. I don't know?

14:21:05 8 A. Assistant Field Office Director. He's our -- our

14:21:15 9 supervisor's supervisor.

14:21:17 10 Q. Okay. And that's who told you to effect the arrest at the

14:21:31 11 country courthouse?

14:21:32 12 A. Correct.

14:21:32 13 Q. That day were you in uniform?

14:21:37 14 A. No, I was -- no, I was not.

14:21:39 15 Q. Okay. Was -- the other agent, Warren, in uniform?

14:21:43 16 A. We don't wear uniforms.

14:21:45 17 Q. Do you wear any -- any external indicators that you are

14:21:49 18 with Immigration and Customs Enforcement?

14:21:55 19 A. Our badge and credentials.

14:22:07 20 Q. Okay. And you had your badge and credentials that day, I

14:22:21 21 assume?

14:22:22 22 A. Correct.

14:22:22 23 Q. Where did you have them displayed?

14:22:27 24 A. I had them on my hip.

14:22:33 25 Q. Your hip. Okay. How many arrests have you personally

14:22:38 1 made at a county courthouse?

14:22:40 2 A. Can you be -- I mean, I don't understand your question.

14:22:42 3 Q. As an ICE agent, how many times have you effected an

14:22:46 4 arrest at a county courthouse?

14:22:48 5 A. Lifetime or recently?

14:22:50 6 Q. Lifetime. Let's start with that.

14:22:53 7 A. I -- I couldn't give you a number. I mean, I really

14:23:00 8 can't -- can't remember all of them.

14:23:04 9 Q. Okay. So you've made numerous arrests at county

14:23:10 10 courthouses?

14:23:11 11 A. Correct.

14:23:12 12 Q. How many arrests have you made at the Travis County

14:23:15 13 Courthouse before this?

14:23:16 14 A. This was the only one.

14:23:17 15 Q. Okay. And how long have you been working in the -- in the

14:23:24 16 Travis County office?

14:23:25 17 A. Since June of 2016.

14:23:27 18 Q. Okay. So in your experience arresting folks at the

14:23:46 19 courthouse, I'm asking questions now about how you identified

14:23:52 20 Mr. Coronilla-Guerrero. A courthouse can be a busy place,

14:23:56 21 right?

14:23:57 22 A. Uh-huh.

14:23:57 23 Q. There's lots of individuals coming and going, right?

14:24:00 24 A. Yes.

14:24:01 25 Q. So beforehand what -- how was your plan to identify

14:24:05 1 Mr. Coronilla-Guerrero at the courthouse?

14:24:08 2 A. Our plan was to -- to go there, see who was there,

14:24:13 3 identify ourselves, and make the arrest. I mean, there's --

14:24:18 4 there's no set plan as far as, you know, you've got to do A to

14:24:23 5 get to B to get to C. I mean, we -- we had an arrest warrant.

14:24:27 6 We had a photo identity of him, so we knew what he looked like.

14:24:32 7 We knew he was going to be there because when I talked to the

14:24:38 8 deputy -- court deputy, he acknowledged that he did so check in

14:24:46 9 or his attorney checked in. We didn't know if it was actually

14:24:54 10 Mr. Coronilla who checked in, but they did advise us that

14:25:11 11 somebody did check in.

14:25:13 12 Q. Got it. Got it. So you've said that you spoke with the

14:25:23 13 courtroom deputy or the bailiff? I was a little confused?

14:25:26 14 A. Bailiff. I don't know.

14:25:28 15 Q. The uniformed officer in court there?

14:25:31 16 A. Correct. The uniformed officer.

14:25:33 17 Q. And before entering the courtroom, who did you notify at

14:25:37 18 the courthouse that you were going to be there effecting an

14:25:40 19 arrest?

14:25:41 20 A. No one.

14:25:42 21 Q. Okay. And before entering the courthouse, who did you

14:25:45 22 identify?

14:25:47 23 MR. MARSHALL: At this point I'm going to object to

14:25:49 24 the relevance.

14:25:50 25 THE COURT: I'll overrule it for now.

14:25:52 1 Q. (BY MR. PETERSON) I'm basically done with that line of
14:26:07 2 questioning. But, according to media reports, you-all actually
14:26:15 3 first went to the civil courthouse and then had to go over to
14:26:18 4 the criminal courthouse; is that correct?

14:26:20 5 A. We -- went by -- well, define which is the civil
14:26:23 6 courthouse because, like I said, I'm relatively new to this
14:26:27 7 area. So ...

14:26:32 8 Q. You went to a different courthouse first before you went
14:26:34 9 to the courthouse where you eventually arrested
14:26:38 10 Mr. Coronilla-Guerrero?

14:26:39 11 A. Correct.

14:26:39 12 Q. Okay. Did you let the folks at that courthouse know your
14:26:44 13 purpose of going?

14:26:46 14 A. Well, we went in to where the security is of that civil
14:26:52 15 courthouse, and we just asked him what -- which courthouse was
14:26:55 16 the right building. We didn't go upstairs. We didn't make
14:26:59 17 it -- didn't go into any courtroom or anything. Just pretty
14:27:02 18 much on the lobby floor.

14:27:08 19 Q. Okay. And I want to speak with you briefly about the
14:27:14 20 security in a courthouse and the security measures that you
14:27:21 21 used in this case.

14:27:22 22 Now, if you're not actually courthouse security, when
14:27:26 23 entering a courthouse, you can't bring weapons, right?

14:27:31 24 A. I can't speak for another agency. I don't know their
14:27:35 25 rules and procedures.

14:27:36 1 Q. Okay. Well, let's -- as an example of this, entering this
14:27:41 2 courthouse, if you have a weapon, you have to check it
14:27:43 3 downstairs, right?

14:27:44 4 A. Correct.

14:27:44 5 Q. And if you have restraints or handcuffs, you have to check
14:27:48 6 those downstairs, right?

14:27:50 7 A. Correct.

14:27:50 8 Q. And, generally, as far as you know, the only people armed
14:27:54 9 in this courthouse are those tasked with courthouse security
14:27:57 10 here, right?

14:27:58 11 A. Correct.

14:27:58 12 Q. So when you went into the county courthouse on March 3rd,
14:28:05 13 you had to check any weapons that you -- any service weapons
14:28:08 14 that you had brought with you, correct?

14:28:09 15 A. Correct.

14:28:10 16 Q. Did you do that?

14:28:11 17 A. Yes, we did.

14:28:12 18 Q. Okay. And you also had to check or leave any restraints,
14:28:18 19 correct?

14:28:19 20 A. Correct.

14:28:19 21 Q. By that I mean handcuffs. You didn't have any handcuffs
14:28:22 22 on you when you effected the arrest of Mr. Coronilla?

14:28:24 23 A. Yes, we did.

14:28:38 24 Q. You were able to bring handcuffs into the courthouse?

14:28:42 25 A. Yes, we were.

14:28:43 1 Q. So the arrest was effected without weapons, but with
14:28:46 2 handcuffs?

14:28:47 3 A. The arrest was effected outside the courthouse. Not at
14:28:53 4 any time was Mr. Coronilla -- handcuffs were placed on him
14:28:55 5 inside the courthouse building.

14:29:00 6 Q. Okay. So he -- inside the courthouse you're saying he was
14:29:04 7 not under arrest, for example, in the elevator?

14:29:10 8 A. Well, when we exited the elevator, we -- we spoke to him,
14:29:20 9 we advised him of his rights, we told him we were going to
14:29:23 10 arrest him. And we asked him to walk with us, and he walked
14:29:26 11 with us.

14:29:26 12 Q. Okay. And you had not asked the county courthouse
14:29:37 13 officials to assist you with the arrest?

14:29:39 14 A. No. There was no officials when, like I said, we came out
14:29:47 15 to the lobby.

14:29:50 16 Q. Okay. And going back to when you asked him to go with you
14:29:54 17 outside, he complied, correct?

14:29:56 18 A. Correct.

14:29:56 19 Q. He didn't resist?

14:29:58 20 A. No.

14:30:00 21 Q. And, once he was on the elevator with you-all, he didn't
14:30:05 22 at any time try and flee?

14:30:10 23 A. No.

14:30:11 24 MR. PETERSON: I have no further questions,
14:30:13 25 Your Honor.

14:30:13 1 MR. MARSHALL: No questions.

14:30:14 2 THE COURT: All right. I'm curious. Let me ask a
14:30:18 3 couple of questions of you, if I could, officer.

14:30:22 4 So you didn't have restraints with you in the
14:30:26 5 elevator or in the courtroom?

14:30:28 6 THE WITNESS: No. We did have restraints on us,
14:30:35 7 Your Honor.

14:30:35 8 THE COURT: You did?

14:30:36 9 THE WITNESS: Yes, we did.

14:30:37 10 THE COURT: Okay. And had you gotten permission, I
14:30:42 11 guess, to go ahead and do that?

14:30:47 12 THE WITNESS: Correct. When you enter the county
14:30:49 13 courthouse, there's an -- a lane to enter for law enforcement,
14:30:53 14 which we are law enforcement. So we presented our credentials
14:30:57 15 and such, and we're allowed to enter into the courthouse.

14:31:01 16 THE COURT: Got you. So had Mr. Coronilla resisted
14:31:06 17 or attempted to flee or not cooperate with you, would you have
14:31:10 18 then -- what would you have done?

14:31:15 19 THE WITNESS: I don't want to speculate, Your Honor.
14:31:17 20 I mean -- but, I mean, pretty much whatever -- you know, our
14:31:19 21 training. We're trained. We have policy and procedures on how
14:31:22 22 to effect an arrest. And in his case it was something
14:31:26 23 different because we had media there, we had camera crews. So
14:31:32 24 in that situation, I mean, he complied with us and we were able
14:31:35 25 to talk to him.

14:31:36 1 THE COURT: But if he hadn't?

14:31:38 2 THE WITNESS: If he -- there's a lot of what-ifs. I
14:31:42 3 mean ...

14:31:42 4 THE COURT: Yeah. Okay. So this isn't totally
14:31:48 5 germane, but you're here and it gives me an opportunity to ask
14:31:53 6 some questions because we've been wondering exactly what the
14:32:01 7 new policies will be because things have changed a bit.

14:32:05 8 THE WITNESS: Okay.

14:32:07 9 THE COURT: And an arrest in a courthouse was not
14:32:09 10 something that happened very often --

14:32:11 11 THE WITNESS: Right.

14:32:12 12 THE COURT: -- prior to this.

14:32:14 13 But this was -- when I look at Mr. Coronilla's
14:32:16 14 criminal history here, his -- prior to this -- and it looks
14:32:22 15 like this is probably what led to his deportation -- he had an
14:32:25 16 arrest in January of 2008 where he was convicted of, looks
14:32:29 17 like, evading an arrest and unauthorized use of a vehicle when
14:32:33 18 he was 18. Is that -- that looks like a misdemeanor to me. He
14:32:38 19 got 180 days.

14:32:39 20 MR. MARSHALL: No, sir. That's a state jail felony.

14:32:45 21 THE COURT: State jail felony? Okay. So he got 180
14:32:49 22 days?

14:32:49 23 THE WITNESS: Correct.

14:32:51 24 THE COURT: Okay. And ordinarily in the past there
14:33:02 25 haven't been arrests outside of the courthouse -- outside of

14:33:10 1 the jail, I should say, for someone in those circumstances.

14:33:13 2 But that's changed.

14:33:14 3 THE WITNESS: I would say for this instance what's
14:33:17 4 changed is the new policies by the Travis County Sheriff's
14:33:21 5 Office. If this was prior to February 1st, the defendant would
14:33:26 6 have come to our custody through the detainer system --

14:33:29 7 THE COURT: Right.

14:33:31 8 THE WITNESS: -- versus us having to get an arrest
14:33:33 9 warrant and, you know, present him to a court or present him to
14:33:37 10 the AUSA's office.

14:33:40 11 THE COURT: But I thought -- when was the detainer
14:33:42 12 placed, the same day as his arrest on January 25th or 26th? Or
14:33:50 13 I'm sorry. Ninth? It was like January 9th, I think.

14:33:52 14 MR. MARSHALL: I belief the complaint says 10.

14:33:54 15 THE COURT: Okay.

14:33:55 16 MR. MARSHALL: And that would be when the detainer
14:33:57 17 was placed.

14:34:00 18 THE COURT: I'm just looking at pretrial. Okay.

14:34:04 19 MR. MARSHALL: Yes, sir. I understand.

14:34:06 20 THE WITNESS: Correct. January 10.

14:34:07 21 THE COURT: Okay. So a detainer would have been
14:34:09 22 placed then?

14:34:17 23 THE WITNESS: A detainer was placed on the defendant.

14:34:26 24 THE COURT: And I thought that new policies didn't
14:34:28 25 change until February 1st.

14:34:32 1 THE WITNESS: Correct. And that's when the detainer
14:34:34 2 was declined and sent back to our office. It was declined
14:34:44 3 and ...

14:34:48 4 THE COURT: When was Mr. Coronilla released on bond
14:34:50 5 from Travis County?

14:34:56 6 THE WITNESS: It was sometime after February 1st,
14:34:58 7 Your Honor. I don't -- I don't know the exact same -- the
14:35:02 8 exact date that he bonded out.

14:35:03 9 THE COURT: Well, it would have been prior to
14:35:06 10 February 3rd, the date of the complaint, because I presume that
14:35:09 11 complaint and warrant was served on the sheriff?

14:35:22 12 THE WITNESS: Correct.

14:35:24 13 THE COURT: And the detainer would have been served
14:35:31 14 before February 1st --

14:35:36 15 THE WITNESS: Correct.

14:35:37 16 THE COURT: -- which I thought that the sheriff was
14:35:41 17 honoring those detainers --

14:35:45 18 THE WITNESS: Right.

14:35:46 19 THE COURT: -- at that time.

14:35:46 20 THE WITNESS: And she was. What I -- what happened
14:35:50 21 was I don't know when the defendant actually paid the bond to
14:35:53 22 be released.

14:35:55 23 THE COURT: Do you have any information on that,
14:35:58 24 Mr. Peterson?

14:35:59 25 MR. PETERSON: I'm just relying on the ICE report

14:36:01 1 itself, the IA-31 that says subject was released by Travis
14:36:06 2 County Sheriff's Office prior to a warrant being placed on him.
14:36:10 3 And that's an addendum noted in the report with a date of
14:36:14 4 February 6th, 2017. So it seems like that February 3rd warrant
14:43:50 5 didn't get placed.

14:43:58 6 THE COURT: Before he was released?

14:44:00 7 MR. PETERSON: According to ICE.

14:44:02 8 MR. MARSHALL: There was a detainer pending in
14:44:10 9 January.

14:44:11 10 THE COURT: That's what I'm trying to figure out.
14:44:22 11 Because ordinarily before February 1st, if a detainer had been
14:44:41 12 placed, ICE would have usually -- I mean, Agent Bryant, you can
14:44:47 13 fill me in here. But usually you-all would have gone to the
14:44:51 14 courthouse -- I'm sorry -- to the jail, Travis County Jail,
14:45:22 15 shortly after the detainer and picked up Mr. Coronilla.

14:45:35 16 MR. MARSHALL: Well, one thing we do is, if there's
14:45:39 17 pending state charges and the county's interested in pursuing
14:45:44 18 those charges, we'll leave the defendant.

14:45:46 19 THE COURT: Right.

14:45:51 20 MR. MARSHALL: The detainer is just a matter of
14:46:02 21 comity where they --

14:46:03 22 THE COURT: But he got out on bond somewhere.

14:46:06 23 MR. MARSHALL: Somewhere after February 1st.

14:46:08 24 THE COURT: That's what I'm trying to figure out, was
14:46:11 25 it before or after February 1st.

14:48:18 1 MR. MARSHALL: Don't know. We filed the -- the
14:48:31 2 complaint, had the warrant issued, and tried to file it. And
14:48:36 3 that was not -- the detainer was placed, and I think it was not
14:48:47 4 honored.

14:48:49 5 THE COURT: Okay.

14:48:50 6 MR. MARSHALL: Because we filed the detainers
14:48:57 7 immediately after -- well, I think you have something in front
14:49:05 8 of you.

14:49:05 9 THE COURT: Okay. I was just handed -- thank you.
14:49:12 10 Our crack staff here, the Pretrial Office, Mr. Nava, it's a
14:49:18 11 printout from Travis County's Web page that shows bond was
14:49:22 12 posted on January 10th, same day as the arrest.

14:49:27 13 MR. MARSHALL: Yeah. I don't know when he got out.

14:49:29 14 THE COURT: So ...

14:49:30 15 MR. MARSHALL: Could have been that.

14:49:32 16 THE COURT: It would have been -- it sounds like the
14:49:34 17 day of or after his arrest he was -- he was already out on
14:49:38 18 bond.

14:49:38 19 THE WITNESS: Uh-huh.

14:49:41 20 THE COURT: So the detainer was either not -- you-all
14:49:48 21 weren't able to get to the jail, because, ordinarily, on
14:49:54 22 January 10th you would have been able to access the jail.

14:50:04 23 THE WITNESS: Correct, Your Honor. Like I said, what
14:50:06 24 normally happens is we'll place the detainer and Travis County
14:50:11 25 has, ultimate, the last control. We don't -- just because we

14:50:15 1 place the detainer, not necessarily are we going that exact day
14:50:24 2 to pick him up.

14:50:25 3 THE COURT: Let me go back a sec.

14:50:44 4 THE WITNESS: Okay.

14:50:49 5 THE COURT: So my understanding is that you placed a
14:50:51 6 detainer and then, ordinarily, old system, you-all would go
14:51:02 7 interview that person in the jail?

14:51:04 8 THE WITNESS: Correct.

14:51:04 9 THE COURT: Did that happen in this case?

14:51:06 10 THE WITNESS: The Austin office did not because the
14:51:10 11 detainer was placed by our San Antonio Command Center. At that
14:51:14 12 time they were using -- anytime they got a biometrics hit that
14:51:18 13 confirmed this individual was in custody, they were
14:51:27 14 automatically lodging a detainer.

14:51:29 15 THE COURT: Right. But then usually you follow up
14:51:32 16 and have an interview to confirm the identity?

14:51:36 17 THE WITNESS: From our office I didn't see anything
14:51:38 18 in the file that indicated that somebody from our office --

14:51:41 19 THE COURT: Correct. Maybe that happened and he got
14:51:48 20 bonded out before even that step had occurred?

14:51:51 21 MR. MARSHALL: Could be.

14:51:51 22 THE WITNESS: Could be.

14:51:52 23 THE COURT: Okay. All right. Well, I got
14:51:56 24 distracted.

14:51:57 25 So my question was that -- that the policy seems to

14:52:02 1 be changing. I'm just trying to get a sense where we are now
14:52:06 2 and what we can expect as far as arrests. And, you know,
14:52:17 3 there's a lot of different things have been published and
14:52:20 4 nobody's -- you know, we don't know for sure what to expect.
14:52:24 5 Maybe you know. If you don't, fair enough.

14:52:27 6 But this arrest occurred at the direction of your
14:52:30 7 field office director?

14:52:31 8 THE WITNESS: Correct.

14:52:37 9 THE COURT: Okay. And, you know, there's been
14:52:40 10 questions about whether Austin's being targeted, and we have --
14:52:54 11 we had a briefing that your immediate supervisor, I guess,
14:53:01 12 Agent Shaffer --

14:53:02 13 THE WITNESS: Yes, sir.

14:53:03 14 THE COURT: -- came and briefed me and the magistrate
14:53:12 15 judge, Judge Lane, that -- at the very end of January that we
14:53:17 16 could expect a big operation or agents coming in from out of
14:53:22 17 town. There was going to be a specific operation, and it was
14:53:27 18 at least related to us, in that -- meaning that it was a -- it
14:53:30 19 was a result of the sheriff's new policy that this was going to
14:53:35 20 happen. Are you aware of that?

14:53:37 21 THE WITNESS: Yes, Your Honor.

14:53:38 22 THE COURT: Okay. And that's the one we heard about
14:53:42 23 where 50-some-odd people were arrested.

14:53:58 24 THE WITNESS: Yes, Your Honor.

14:54:00 25 THE COURT: Okay. And my -- my understanding is what

14:54:05 1 was told us is one of the reasons that happened was because the
14:54:08 2 meetings that occurred between the field office director and
14:54:11 3 the sheriff didn't go very well.

14:54:14 4 THE WITNESS: That's -- that's new knowledge to me,
14:54:17 5 Your Honor.

14:54:17 6 THE COURT: Above your pay grade?

14:54:18 7 THE WITNESS: Yes. Yes.

14:54:19 8 THE COURT: All right. Fair enough. Fair enough.

14:54:21 9 All right. Do you anticipate or do you know whether
14:54:24 10 we're going to continue to have arrests like this one
14:54:30 11 occurring, or is it going to be, you know, where it's --
14:54:33 12 there's targeted people outside of the jails that you're going
14:54:36 13 to try to be picking up in addition to what you were doing
14:54:40 14 before the sheriff's policy changed?

14:54:43 15 THE WITNESS: As far as I know, this incident was an
14:54:47 16 isolated incident. This wasn't the norm. This is not
14:54:51 17 something that is going to become pattern of practice, so to
14:54:55 18 speak, that we're going to go to the courthouse and --

14:54:58 19 THE COURT: Not so much the courthouse. But just in
14:55:00 20 general, whether we can expect more arrests, more prosecutions,
14:55:04 21 than we were prior to this.

14:55:08 22 THE WITNESS: I would say just say, based off the new
14:55:10 23 administration and the priorities or them doing away with the
14:55:25 24 prior administration's --

14:55:30 25 MR. MARSHALL: I've got to stop him at this point.

14:55:37 1 He can't talk about that right now, and I don't want
14:55:40 2 him to get in trouble.

14:55:41 3 THE COURT: Fair enough. Fair enough. All right.

14:55:43 4 MR. MARSHALL: I can answer most of those questions,
14:55:45 5 if you want an answer.

14:55:46 6 THE COURT: I mean, sure. If you --

14:55:47 7 MR. MARSHALL: Make sure we're done with him.

14:55:49 8 THE COURT: Yeah. I have no more questions.

14:55:50 9 MR. MARSHALL: I just have a couple.

14:55:52 10 THE COURT: And you might have some, and I'll let
14:55:54 11 Mr. Peterson ask some.

14:55:55 12 **REDIRECT EXAMINATION**

14:55:55 13 **BY MR. MARSHALL:**

14:55:55 14 Q. You said you had your credentials when you went over
14:56:03 15 there. Were you wearing a suit like you're wearing today?

14:56:11 16 A. No, I was not.

14:56:12 17 Q. Okay. So you just had your badge on your belt?

14:56:14 18 A. Correct.

14:56:15 19 Q. That was it?

14:56:16 20 A. Correct.

14:56:16 21 Q. Okay.

14:56:17 22 THE COURT: Mr. Peterson, any questions?

14:56:19 23 MR. PETERSON: No, Your Honor. I have no further
14:56:23 24 questions.

14:56:24 25 MR. MARSHALL: Thank you.

14:56:26 1 THE COURT: You may step down. I appreciate it.

14:56:28 2 Sorry to grill you on the administrative policy -- or

15:14:04 3 administration and the policy.

15:14:06 4 MR. MARSHALL: I understand your curiosity, and I've

15:14:09 5 got -- and it doesn't really go to probable cause, but I

15:14:19 6 understand what we're doing. When this initially occurred, I

15:14:21 7 was actually the attorney that handled this for the U.S.

15:14:23 8 Attorney's Office. We were told that there were a number of

15:14:26 9 people -- there were two separate operations going on.

15:14:34 10 There were a bunch of people that were deportable,

15:14:39 11 and my understanding is that was a separate action. But that's

15:14:42 12 part of the big operation that Mr. Shaffer was talking about.

15:14:45 13 Those are not cases we deal with.

15:14:47 14 THE COURT: Right.

15:14:48 15 MR. MARSHALL: All the time.

15:14:50 16 THE COURT: And you remember the days ten years ago

15:14:52 17 when we dealt with a lot of the cases.

15:14:54 18 MR. MARSHALL: Right. And that ain't going to come

15:14:57 19 back as far as I know. Now, as the agent indicated, we've got

15:15:01 20 a new administration and I have no clue what's happening. And

15:15:11 21 I can tell you that I have no new direction from the Attorney

15:15:17 22 General, and I have no new direction from the Immigration and

15:15:22 23 Customs Enforcement people or from HSI. And so that, as far as

15:15:35 24 a policy matter, if it's going to change, is still in D.C.

15:15:42 25 THE COURT: It's got a ways --

15:15:44 1 MR. MARSHALL: We've got no direction.

15:15:49 2 THE COURT: It's got a ways to go.

15:15:51 3 MR. MARSHALL: It does. And I suspect that's going
15:15:53 4 to be several months down the road. They have other things
15:16:06 5 they're dealing with. With regard to this particular
15:16:15 6 operation, that 50-some-odd person deal was both civil and
15:16:25 7 possibly criminal. In other words -- and a lot of people don't
15:16:27 8 understand this -- a big part of the immigration system is a
15:16:30 9 civil action. You have people that are deportable for whatever
15:16:36 10 reason that we never deal with, and then you have people that
15:16:42 11 are -- have illegally reentered or illegally entered the United
15:16:46 12 States. That's what we deal with.

15:16:50 13 In that respect I can tell the Court that there was
15:16:53 14 no huge increase. I think you saw a bump, but that was due to
15:16:57 15 the policy change, where we had to actually get complaints
15:17:00 16 filed right away and get a warrant issued. My understanding is
15:17:04 17 that the sheriff will honor a warrant if it's filed on time.

15:17:08 18 I think part of the deal with this case was it was in
15:17:11 19 transition. Nobody really knew what that meant or who was
15:17:14 20 going to do what or what will be honored or not. I can tell
15:17:18 21 you that the sheriff's indication that they would honor a
15:17:20 22 warrant came well after January 10th. That was late January,
15:17:24 23 early February.

15:19:57 24 THE COURT: And my confusion was we were still
15:20:03 25 getting arrests in the end of January. I know because I was on

15:20:11 1 duty.

15:20:11 2 MR. MARSHALL: Sure.

15:20:12 3 THE COURT: It's March.

15:20:13 4 MR. MARSHALL: So was I.

15:20:14 5 THE COURT: So it's March, so I'm back again. But we
15:20:18 6 were still getting them sort of in the traditional sense. They
15:20:33 7 were bringing them from Travis County Jail the same day --

15:20:36 8 MR. MARSHALL: Right.

15:20:36 9 THE COURT: -- to the ICE office and then over here
15:20:48 10 by 11:00, like you've been doing.

15:20:49 11 MR. MARSHALL: And I suspect the vast majority will
15:20:52 12 continue to be that way. As I said, my understanding is the
15:20:55 13 sheriff will honor a warrant. So as long as the warrant is
15:21:00 14 filed, and that's why we issued a number of complaints --

15:21:06 15 THE COURT: At the end --

15:21:07 16 MR. MARSHALL: -- to get warrants at the end of
15:21:09 17 January. That was just to make sure that the sheriff had a
15:21:12 18 warrant on file and would honor the detainer.

15:21:15 19 Normally you wouldn't see that bump because, as you
15:21:18 20 said, we like to let the state process run. They have custody
15:21:22 21 of the defendant. If they have charges they want to pursue,
15:21:25 22 they can pursue them. That's up to the DA. That's why we
15:21:28 23 would file the detainer and say, hey, when you're done with
15:21:30 24 them, we need them over here because we have a federal
15:21:34 25 violation. Because of the flux, that's why you've got that

15:21:38 1 bolus of complaints.

15:21:39 2 In my experience -- and I think you'll see this in
15:21:42 3 the coming month -- the number of cases we're filing is
15:21:50 4 deplete -- is coming back to basically where it was before
15:21:55 5 because there's been no policy change. We're still dealing
15:21:59 6 with people that are convicted felons, people that have been
15:22:03 7 arrested, people that have a certain matrix. There's no
15:22:12 8 specific set policy. But, as the Court knows, that's pretty
15:22:16 9 much what we file. And that's where we are. There's been no
15:22:19 10 huge change in policy. This was a procedural deal based on a
15:22:26 11 new administration. So that's all.

15:22:33 12 THE COURT: Okay. It's always concerning when
15:22:47 13 somebody gets arrested in the courthouse and the situation.
15:23:12 14 I'm glad -- it's better than I thought it was.

15:23:15 15 MR. MARSHALL: No. And one of the reasons --

15:23:16 16 THE COURT: It's still a little dangerous. I mean,
15:23:19 17 had Mr. Coronilla not been cooperative and started running
15:23:28 18 around the courthouse --

15:23:28 19 MR. MARSHALL: Well, I understand that. But then
15:23:31 20 again --

15:23:31 21 THE COURT: -- there's no telling what would have
15:23:37 22 happened.

15:23:37 23 MR. MARSHALL: These agents approached in a
15:23:39 24 reasonable and professional manner, notified law enforcement,
15:23:42 25 both at security and up at the courthouse bailiff. They did

15:23:46 1 not hang in the courtroom. Mr. -- this defendant,
15:23:54 2 Mr. Coronilla, was actually with his attorney.

15:23:57 3 THE COURT: Right.

15:23:57 4 MR. MARSHALL: Quite frankly, in a public place, in a
15:24:00 5 courthouse with a bunch of judges and your attorney, if I had
15:24:04 6 to be arrested, that's pretty much what I'd want. I'm standing
15:24:16 7 by counsel, and I'm safe.

15:24:19 8 THE COURT: I agree if everything goes well. It's
15:24:26 9 just when you have somebody --

15:24:30 10 MR. MARSHALL: And I'm not -- I'm not advocating that
15:24:33 11 one way or the other. Quite frankly, that is a -- a
15:24:43 12 enforcement measure that I have nothing to say about. It's up
15:24:46 13 to the law enforcement agency. But I've got to say, in this
15:24:50 14 instance, the agents acted professionally, they acted
15:24:53 15 appropriately, they weren't overbearing.

15:24:55 16 THE COURT: And look. I mean, we -- you know, I see
15:24:58 17 Agent Bryant and Agent Warren and Agent Mathis all the time.
15:25:03 18 They're very professional. They do a great job. And I
15:25:10 19 don't --

15:25:10 20 MR. MARSHALL: And that's what they have to do.

15:25:17 21 THE COURT: Yeah. All right. I appreciate it.

15:25:21 22 All right. On the issue of probable cause, I do find
15:27:55 23 that there is sufficient evidence to find that it is probable
15:27:59 24 that Mr. Coronilla-Guerrero did violate Title 8, 1326. So I'll
15:28:06 25 hold the case over for presentment of that case to the grand

15:28:09 1 jury for indictment.

15:28:10 2 Anything else in this case that we need to address at
15:28:17 3 this time?

15:28:18 4 MR. MARSHALL: Nothing from the government.

15:28:20 5 MR. PETERSON: No, Your Honor. Thank you.

15:28:24 6 THE COURT: Thank you. You-all may be excused.

15:28:27 7 (Proceedings concluded at 10:36 a.m.)

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REPORTER'S CERTIFICATE

I, Arlinda Rodriguez, do hereby certify that the foregoing was transcribed from an electronic recording made at the time of the aforesaid proceedings and is a correct transcript, to the best of my ability, made from the proceedings in the above-entitled matter, and that the transcript fees and format comply with those prescribed by the Court and Judicial Conference of the United States.

/S/ Arlinda Rodriguez

March 29, 2017

ARLINDA RODRIGUEZ

DATE